SUPREME COURT OF THE UNITED STATES.

No. 62.

JOSEPH LYNCH, PLAINTIFF IN ERROR,

VERSUS

AMBROSE HARNAGE.

ERROR TO SUPERIOR COURT OF CASS COUNTY, STATE OF GEORGIA.

UNITED STATES OF AMERICA, *ss.*

The President of the United States to the Honorable the Judges of the Superior Court of the county of Cass, in the state of Georgia, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said superior court of the county of Cass, before you, or some of you, being the highest court of law or equity of the said state in which a decision could be had in the said suit, between Joseph Lynch, appellant, and Ambrose Harnage, respondent, wherein was drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision was against their validity; or wherein was drawn in question the validity of a statute of, or an authority exercised under said state, on the ground of their being repugnant to the constitution, treaties, or laws of the United States, and the decision was in favour of such their validity; or wherein was drawn in question the construction of a clause of the constitution, or of a treaty, or statute of, or commission held under the United States, and the decision was against the title, right, privilege, or exemption, specially set up or claimed under such clause of the said constitution, treaty, statute, or commission, a manifest error hath happened, to the great damage of the said Joseph Lynch, as by his complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the supreme court of the United States, together with this writ, so that you have the same at Washington on the second Monday of January next, in the said supreme court to be then and there held, that the record and proceedings aforesaid being inspected, the said supreme court may cause further to be done therein to correct that error, what of right and according to the laws and custom of the United States should be done.

Witness, The Honorable JOHN MARSHALL, Chief justice of the said Supreme Court, the first Monday of August, in the year of our Lord one thousand eight hundred and thirty-four.

WM. THOS. CARROLL,
Clerk of the Supreme Court of the United States.

Allowed by HENRY BALDWIN.

The United States of America to Ambrose Harnage, greeting:

You are hereby cited and admonished to be and appear at a supreme court of the United States, to be holden at Washington on the second Monday of January next, pursuant to a writ of error filed in the clerk's office of the superior court of the county of Cass, in the state of Georgia, wherein Joseph Lynch is plaintiff in error, and you are defendant in error, to show cause, if any there be, why judgment rendered against the said plaintiff in error as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Henry Baldwin, one of the associate justices of the Supreme Court of the United States, this twentieth day of October, in the year of our Lord one thousand eight hundred and thirty-four.

HENRY BALDWIN.

On this twenty-eighth day of November, in the year of our Lord one thousand eight hundred and thirty-four, personally appeared Benjamin F. Thompson before me, the subscriber, William Lay, a justice of the inferior court of Cherokee county, in Georgia, and makes oath that he delivered a true copy of the within citation to William Daniel, the attorney of Ambrose Harnage, the said Ambrose not being to be found in the state of Georgia on the 28th day of November, 1834.

(Signed,) BENJAMIN F. THOMPSON.

Sworn to, and subscribed before me, this twenty-eighth day of November, 1834.

WILLIAM LAY, J. I. C.,
Justice of the Inferior Court, county Cherokee, Georgia.

GEORGIA, *Cherokee county.*

I, William Lay, justice of the inferior court, so denominated by the constitution of Georgia, do hereby certify that the foregoing affidavit was made before , in due form of law.

Given under my hand and seal, this 28th day of November, 1834.

WM. LAY, J. I. C. [SEAL.]

Know all men by these presents, that we, John R. Coates, of the city of Philadelphia, and Alexander Lardner, of the same place, are held and firmly bound unto Ambrose Harnage, in the full and just sum of three hundred dollars, to be paid to the said Ambrose Harnage, certain attorney, executors, administrators, or assigns: to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents. Sealed with our seals, and dated this twentieth day of October, in the year of our Lord one thousand eight hundred and thirty-four.

Whereas lately, at a superior court of the county of Cass, in the state of Georgia, in a suit depending in said court between Joseph Lynch, appellant, and Ambrose Harnage, respondent, judgment was rendered against the said Joseph Lynch; and the said Joseph Lynch having obtained a writ of error, and filed a copy thereof in the clerk's office of the said court to reverse the judgment in the aforesaid suit, and a citation directed to the said Ambrose Harnage, citing and admonishing to be and appear at a supreme court of the United States, to be holden at Washington the second Monday of January next:

Now the condition of the above obligation is such, that if the said Joseph

Lynch shall prosecute his writ of error to effect, and answer all damages and costs, if he fail to make his plea good, then the above obligation to be void, else to remain in full force and virtue.

JOHN R. COATES. [SEAL.]
ALEXR. LARDNER. [SEAL.]

Sealed and delivered in presence of
JOHN SERGEANT,
S. GEO. CAMPBELL.

Approved by HENRY BALDWIN.

GEORGIA, *Cherokee county.*

To the Honorable the Superior Court, to be holden in and for said county:

The petition of Ambrose Harnage humbly showeth, that John Bell and Joseph Lynch of said county, hath injured and damaged your petitioner one thousand dollars; for that whereas heretofore, to wit, on the first day of October, eighteen hundred and thirty, your petitioner was in the quiet and peaceable possession as of his own right and property, of a certain negro man slave, about twenty-two years old, of the value of six hundred dollars; and being so thereof possessed, the said negro man slave afterwards, to wit, on the day and year last aforesaid, out of his, your petitioner's, possession, he, your petitioner, casually did lose; which said negro man slave aforesaid afterwards, to wit, on the same day and year last aforesaid, came to the hands and into the possession of the said John Bell and the said Joseph Lynch, in the county and state aforesaid, by finding. Nevertheless the said John Bell and the said Joseph Lynch, well knowing the said negro man slave George to be the proper goods, and chattels, and the property of your petitioner, and of him of right, to belong and appertain, but contriving and fraudulently intending your petitioner in this behalf craftily and subtly to deceive and defraud, hath not delivered the said negro man slave to your petitioner, although often requested so to do; but they, the said John Bell and the said Joseph Lynch, on the day and year aforesaid, converted and disposed of the said negro man slave to their own use, all of which has injured and damaged your petitioner one thousand dollars as aforesaid; wherefore your petitioner prays that process may issue, requiring the said John Bell and the said Joseph Lynch, in person or by their attorneys, to be and appear at the superior court, of said county, to commence on the fourth Monday in March next, then and there to answer your petitioner in an action of trover and conversion, &c. This 1st day of February, 1832.

WM. DANIEL, Plaintiff's Attorney.

GEORGIA.

To the Sheriff of Cherokee county, greeting:

AMBROSE HARNAGE
vs.
JOHN BELL and JOSEPH LYNCH. } *Trover, &c.*

The defendants *is* hereby required, either personally or by attorney, to be and appear at a superior court, to be held for said county on the fourth Monday of this instant, then and there to answer the plaintiff in an action of trover and conversion, &c., or, as in default thereof, the court will proceed as to justice shall appertain.

Witness, His Honor, CHARLES DOUGHERTY.
Judge of said court, this 2d day of March, 1832.
OLIVER STRICKLAND, Clerk.

Served the within, by leaving a copy at each of the defendant's houses or place of residence. Left a copy at J. Bell, on the 8th inst., and at Joseph Lynch the 9th inst. March 9th, 1832.

JOHN JOLLY, Sheriff.

And now at this term comes the defendants into court, and defend the wrong, and *and* for answer, say that this plaintiff ought not to have, or maintain his said action hereof against them, because they say that they are natives of the Cherokee nation of Indians, and reside in the said nation east of the Mississippi, and where they resided at the time the said trespass complained of was committed, if committed at all. And these defendants further say, that the plaintiff ought not to have, or maintain his said action, because they say that several treaties have from time time been entered into between the U. States and the said Cherokee nation, to wit, at Hopewell, on the 28 of Nov 1785; at Holston, on the 2d day of July, 1791; at Philadelphia, on the *on the* 26 of June, 1794; at Tellico, on the 26—2d day of October, 1798; at Tellico, on the 24th day of October, 1804; at Tellico, on the 25th day of October, 1805; at Tellico on the 27th day of October, 1805; at Washington, on the 22d day of March, 1816; at the Cherokee council house, on the 14th day of September, 1817; at the agency, on the 8th day of July, 1817; at Washington, on the 27th day of February 1819; all which treaties have been duly ratified by the senate of the United States of America, and by which treaties the United States have acknowledged the said Cherokee nation to be a sovereign nation, authorized to govern themselves and all persons who have *who have* settled within their territory, free from the rights of legislative interference by the several states composing the United States of America, in reference to acts done within their own territory, and by which treaties the whole of the territory now occupied by the Cherokee nation on the east of the Mississippi, has been solemnly guarantied to them, all of which treaties are existing treaties at this day, and in full force. By these treaties, and particularly by the treaties of Hopewell, and Holston, the *the* aforesaid territory is acknowledged to lie without the jurisdiction of the several states composing the union of the United States, all of which will more fully and at large appear by reference to said treaties. And these defendants say, that laws of Georgia, so far as they attempt to exercise any jurisdiction within the said territory, are unconstitutional and void. Because, they say, that they are repugnant to the said treaties and the laws of Congress, which compose a part of the supreme law of the land, and particularly the law of Georgia, which attempts to organize the said territory into a county, and extend the laws of said state over the Cherokee nation. And these defendants pray judgment whether they shall be held to make other answer, and to be dismissed with their reasonable costs, in this behalf most unrighteously sustained.

WM. H. UNDERWOOD, Defendants' Attorney.

GEORGIA, *Cherokee county.*

Appeared in *in* court John Bell, and being sworn, saith the above plea is true in substance and fact.

JOHN A. BELL.

OLIVER STRICKLAND, Clerk.

We, the petty jury for Cherokee county, find a verdict in favor of the plaintiff, for the negro to be delivered in fifteen days, as good as he was when taken, or six hundred dollars for said negro, together with one hundred and fifty dollars for hire of said negro two years, together with all cost.

September 24th, 1832.

JOHN T. COX.

AMBROSE HARNAGE
vs.
JOHN BELL AND JOSEPH LYNCH. } *Trover and conversion and appeal, transferred from Cherokee.*

It is stipulated by the parties in this case as follows: 1st. It is stipulated on the part of the plaintiff, that he will cause a complete record to be transmitted to the clerk of this court, of the proceedings in the cause at Cherokee county, so far as they exist of record, in four weeks. 2d. And if there should be defect of the record, the plaintiff agrees that such defect shall not be taken advantage of now by him or his counsel, or in case the cause goes before the supreme court U. S. 3d. It is stipulated on the part of the defendants that for absence of the record of the proceedings in Cherokee, no advantage shall hereafter be taken by them or their counsel.

WM. DANIEL, Plaintiffs' Attorney.
D. R. MITCHELL, Assistant Counsel for Plaintiff.
Z. B. HARGROVE, Defendants' Attorney.
S. ROCKWELL, Attorney for Defendants.
WM. Y. HANSELL, Attorney for Defendants.

AMBROSE HARNAGE
vs.
JOHN BELL AND JOSEPH LYNCH. } *Trover.*

There being no evidence against John Bell, it is, on motion of counsel, ordered that his name be stricken out of the record.

AMBROSE HARNAGE
vs.
JOSEPH LYNCH. } *Trover, &c.*

We, the jury, find a verdict for the plaintiff, for the negro to be delivered in twenty days in good health, or pay six hundred dollars for said negro, together with three hundred and eighty-four dollars for the hire of said negro, with cost of suit.

WILLIAM BREWSTER, Foreman.

The following are the names of the Jurors stricken and empannelled to try the above cause, to wit:—William Brewster, foreman; Leathem Rankin, Wyat Heard, Samuel Means, James Douthett, William Syler, Sherwood Bowman, Henry L. Leslargett, David Waggoner, Benjamin Ellis, John Hatch, Samuel Boling.

Whereupon it is considered by the court, that the plaintiff do recover of the defendants, Joseph Lynch and James Allen Thompson, his security on appeal, the negro to be delivered in twenty days, in good health, or pay six hundred dollars for said negro, together with three hundred and eighty-four dollars for the hire of said negro, and the further sum of eight dollars and twenty-five cents, for his cost in this suit laid out and expended; and the defendant in mercy, &c. this 18th. September 1834.

WM. DANIEL, Plaintiffs' Attorney.

GEORGIA, *Cass county.*

Office of the clerk of the Superior Court of said county.

I, Chester Hawks, clerk of said court, do certify that the above and foregoing is a full exemplification of the proceedings had and of record in my office, of the case therein set forth, to wit: John Bell and Joseph Lynch, appellants *vs.* Ambrose Harnage, respondent.

Given under my hand and private seal, there being no public seal of office, this 29th day of September, 1834.

CHESTER HAWKS, Clerk of Supreme Court. [SEAL.]

GEORGIA, *Cass county.*

I, John W. Hooper, judge of the superior courts of the Cherokee circuit of said state, do certify that Chester Hawks, whose name appears to the foregoing certificate, is clerk of the superior court of the county aforesaid, and that full faith and credit is due to his attestation as such, and that the same is in due form.

Given under my hand and seal, this 30th day of September, 1834.

JOHN W. HOOPER.

GEORGIA, *Cass county.*

I, Chester Hawks, clerk of the superior court of the county and state aforesaid, do certify that the annexed and foregoing is a full and complete exemplification of the proceedings and judgments had in said court against Joseph Lynch in the case therein mentioned, as they remain of record in the said superior court.

Given under my hand and private seal, there being no seal of office, this 27th day of November, 1834.

CHESTER HAWKS, Clerk. [SEAL.]

I also certify that the original appeal bond, a copy of which is here annexed, and also a copy of the annexed writ of error, were duly deposited and filed in the clerk's office of said court, on this the 27th day of November, 1834.

Given under my hand and private seal, there being no seal of office, this the 27th day of November, 1834.

CHESTER HAWKS, Clerk. [SEAL.]

4.

SUPREME COURT OF THE UNITED STATES.

No. 63.

JOHNSON PIPE, AN INDIAN, PLAINTIFF IN ERROR.

VERSUS.

THE STATE OF GEORGIA.

ERROR TO THE SUPERIOR COURT OF CASS COUNTY STATE OF GEORGIA.

UNITED STATES OF AMERICA, *ss.*

The President of the United States to the honorable the judge of the superior court of Cass county, in the State of Georgia, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said superior court of Cass county, before you or some of you, being the highest court of law or equity of the said State, in which a decision could be had in the said suit between the State of Georgia, plaintiff, and Johnson Pipe, an Indian, defendant, on an indictment for simple larceny; wherein was drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision was against their validity; or wherein was drawn in question the validity of a statute of, or an authority exercised under, said State, on the ground of their being repugnant to the constitution, treaties, or laws of the United States, and the decision was in favor of such their validity, or wherein was drawn in question the construction of a clause of the constitution, or of a treaty, or statue of, or commission held under the United States, and the decision was against the title, right, privilege, or exemption, specially set up or claimed under such clause of the said constitution, treaty, statute, or commission, a manifest error hath happened, to the great damage of the said Johnson Pipe, as by his complaint appears: We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, on the second Monday of January next, in the said Supreme Court to be then and there held; that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein, to correct that error, what of right, and according to the laws and custom of the United States, should be done.

Witness, the honorable John Marshall, Chief Justice of the said Supreme Court, the first Monday of August, in the year of our Lord, one thousand eight hundred and thirty-four.

WM. THOS. CARROLL,
Clerk of the Supreme Court of the United States.

Allowed by HENRY BALDWIN.

The United States of America, to the State of Georgia, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington on the second Monday of January next, pursuant to a writ of error, filed in the clerk's office of the superior court of Cass county, in the State of Georgia, wherein Johnson Pipe, an Indian, is plaintiff in error, and you are defendant in error, to show cause, if any there be, why judgment rendered against the said plaintiff in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the honorable Henry Baldwin, one of the Justices of the Supreme Court of the United States, this sixth day of November, in the year of our Lord, one thousand eight hundred and thirty-four.

HENRY BALDWIN.

STATE OF GEORGIA, } *ss.*
Baldwin County }

On this twenth-seventy day of November, in the year of our Lord, one thousand eight hundred and thirty-four, personally appeared William Y. Hansell before me, the subscriber, a justice of the peace in and for the county of Baldwin and State of Georgia, and makes oath that he delivered a true copy of the within citation to his excellency Wilson Lumpkin, Governor of the State of Georgia, on the twenty-seventh day of November, showing to the said Governor, at the time of delivery herein stated, the within citation.

WM. Y. HANSELL.

Sworn to and subscribed before me, this 27th day of November, eighteen hundred and thirty-four.

B. P. STUBBS,
Justice of the Peace of Baldwin county Georgia.

STATE OF GEORGIA, *Richmond county:*

On this first day of December, in the year of our Lord, one thousand eight hundred and thirty-four, personally appeared before me, the subscriber, Augustus B. Longstreet, and makes oath that he delivered a true copy of the within citation to Ebenezer Starne, esq., attorney general of the State of Georgia, on the first day of December, showing to the said attorney general at the time of delivery, the within citation.

AUGUSTUS BALDWIN LONGSTREET.

Sworn to, and subscribed, before me, this 1st day of December, 1834.

GREENE B. MARSHALL, *J. J. C. R. C.*

Know all men by these presents, that we, Benjamin F. Thompson, of the Cherokee nation, and Thomas Blackstone, of the city of Philadelphia, are held and firmly bound unto the State of Georgia, in the full and just sum of three hundred dollars, to be paid to the said the State of Georgia, certain at-

torney, executors, administrators, or assigns; to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these persents. Sealed with our seal, and dated this sixth day of November, in the year of our Lord, one thousand eight hundred and thirty-four.

Whereas, lately at a superior court of Cass county, in the State of Georgia, in a suit depending in said court, between the State of Georgia, plaintiff, and Johnson Pipe, an Indian, defendant, judgment was rendered against the said Johnson Pipe and the said Johnson Pipe, having obtained a writ of error and filed a copy thereof in the clerk's office of the said court to reverse the judgment in the aforesaid suit, and a citation directed to the said the State of Georgia, citing and admonishing to be and appear at a Supreme Court of the United States, to be holden at Washington the second Monday of January next.

Now, the condition of the above obligation is such, that if the said Johnson Pipe shall prosecute his writ to effect, and answer all damages and costs if he fail to make his plea good, then the above obligation to be void, else to remain in full force and virtue.

BENJAMIN F. THOMPSON, [SEAL.]
T. BLACKSTONE, [SEAL.]

Sealed and delivered in the presence of
FRANCIS HOPKINSON.
J. BURCHARD.

Approved by,

[Signed] HENRY BALDWIN.

GEORGIA, *Cass county:*

The grand jurors, sworn, chosen, and selected for the county of Cass, to wit: William Brewster, foreman, and Leathene Rankine, Wyatt Heard, E. R. McLean, Jacob Nicholson, William Dameron, Wm. Syler, Greenville Pullen, Sherewood Bowman, Thomas Brock, James Casey, Henry L. Lestargette, David Waggoner, John Wofford, John Hatch, Samuel Means, Leander Goodwin, Samuel H. Boling, William Nicholson, Malachi Jones, Bryant B. Bradly, Clayborn Kinmon: In the name and behalf of the citizens of Georgia, charge and accuse a Cherrokee Indian by the name of Johnson Pipe, of the State and county aforesaid, with the offence of simple larceny; for that the said Johnson Pipe, on the third day of July, in the year eighteen hundred and thirty-four, in the county aforesaid, one bay horse about three years of age, of the value of seventy-five dollars, and one bay mare about seven years of age, of the value of one hundred dollars, of the goods and chattles of one Allen Dykes, then and there being found, then and there feloniously did steal, take, and lead away, contrary to the laws of said State, the good order peace and dignity thereof.

WILLIAM EZZARD.
Sol. Gen

September term, 1834.

Witnesses, ALLEN DYKES, S.
C. D. TERHUNE, S.
JOSEPH HOWELL, S.

THE STATE,
vs.
JOHNSON PIPE, an Indian. } *Simple larceny.*

True bill.

WM. BREWSTER, *Foreman.*

THURSDAY *September 18th*, 1834.

THE STATE,
vs.
JOHNSON PIPE, an Indian. } *Simple larceny.*

The defendant arraigned and plead to the judiciary of the court, which plea being overruled, he plead not guilty.

WILLIAM EZZARD,
Solicitor General.

THE STATE,
vs.
JOHNSON PIPE, an Indian. } *Simple larceny.*

The following jury was empannelled and sworn to try the above stated case to wit: Jesse Smith, foreman, Joseph Shaw, George Wilson, Caswell Burk, John Burk, Allen Woodall, Jacob Reid, John Ponder, Samuel Lowry, James Holtsclaw, William Goldsbury, and William Rowell, by whom the following verdict was returned. We, the jury, find the prisoner guilty.

JESSE SMITH, *F. M.*

THE STATE,
vs.
JOHNSON PIPE, an Indian. } *Simple larceny.*

IN CASS SUPERIOR COURT, *September Term*, 1834.

Allen Dikes, sworn, says, witness and son, about 3d July, 1834, stopped at Squire Terhune's, in this county, horses were put into a lot; in the morning they were gone; the riders thrown off, and the fence laid down; horses gone; had never known the horses to throw down a fence like this one. On a trail down the Hightower, about four miles from Mr. Terhune's, on Sunday after the horses were lost; on Thursday, witness met prisoner, a white man and two other Indians; prisoner was confined, the horses were in company; the horses had been roached; they were gone towards Mr. Turhune's; the horses described in the indictment.

Cornelius D. Terhune states, as first witness, the horses were in the lot; the fence thrown down; had the appearance of having been done by some person. Allen Dikes and son, left the house of witness on Sunday after the horses had been taken; on Thursday returned with prisoner, two Indians, and a white man, and both the horses, all together; prisoner was confined; prisoner is an Indian, speaks a little broken English. Witness can understand a few words of Indian; witness asked prisoner how he had acted; prisoner admitted he took the horses, pointed out how he laid down the fence, and how he took them round to an Indian house and the Indian cut off the manes; saw the tracks of the horses in the direction pointed out.

Mr. Howell, sworn, says, prisoner admitted he took the horses, and was to take them to some other Indians; they were to give him a gun and some other trifle for them; said they were good horses; rode well.

THE STATE,
vs.
JOHNSON PIPE, a Cherokee Indian. } *Simple larceny.—Verdict guilty.*

CASS SUPERIOR COURT, *September Term*, 1834.

Whereupon, it is considered, ordered, and adjudged by the court, that you, Johnson Pipe, be taken by the sheriff to the common jail of this county, whence you came; where you will be kept by the keeper thereof, in jail, until you shall be applied for by the penitentiary guard, when you shall be delivered to such guard, and by such guard conveyed to the penitentiary in this State; where you shall remain in the walls thereof, at labor, for the term of six years from the time of your reception therein; and you, the said Johnson Pipe, be in mercy.

THE STATE OF GEORGIA,
vs.
JOHNSON PIPE, an Indian, } *In the Superior Court of Cass county in the State of Georgia—Indictment simple larceny.*

And the said Johnson Pipe, in his own proper person, comes and says that this court ought not to have, or take, further cognizance of the action aforesaid, because he says that the said supposed causes of action, and each, and every of them, if any such have accrued to the State, accrued to it out of the jurisdiction of this court; that is to say, in the Cherokee nation east of the river Mississippi, where the premises upon which the said supposed trespass and offences were committed, if at all, and where this defendant resides, and not elsewhere within the jurisdiction of this court.

And this defendant sayeth, that various treaties have from time to time been entered into between the United States of America and the Cherokee nation of Indians east of the said river Mississippi, to wit: at Hopewell, on the twenty-eighth of November, 1785; at Holston, on the 2d day of July, 1791; at Philadelphia, on the 26th of June, 1794; at Tellico on the 2d of October, 1798; at Tellico, on the 24th of October, 1804; at the same place on the twenty-fifth and twenty-seventh of October, 1805; at the city of Washington, on the 7th day of January, 1806; at Washington, on the 22d day of March, 1816; at the Chickasaw council-house, on the 14th of September, 1816; at the Cherokee agency, on the 8th of July, 1817; at the city of Washington, on the 27th of February, 1819. All which treaties were duly ratified and confirmed by the Senate of the United States, and became thenceforth, and still are, a part of the supreme law of the land; together with the laws of the Congress of the United States, passed on the thirtieth day of March, 1802, entitled an Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers. By which said treaties and laws of Congress, the said Cherokee nation is declared to be without the jurisdictional limits of any of the States composing the Union of the said United States, and having a full right to govern themselves by their own laws, usages, and customs, free from the legislative interferences of any of the said States. And this defendant saith, the laws of the State of Georgia, which affect to assume jurisdiction over the persons residing in the said Cherokee nation, and the lands lying therein, and particularly an act to authorize the survey and disposition of lands within the limits of Georgia, in the occupancy of the Cherokee tribe of Indians, and all other unlocated lands within the limits of said , claimed as creek land, and to authorize the Governor to call out the military force to protect sur-